

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

FILED

DEC 13 2018

Clerk, U.S. Courts
District Of Montana
Missoula Division

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JACQUELINE MAE FOSSIANO,

Defendant.

CR 16-01-BU-DLC

ORDER

Before the Court is Defendant Jacqueline Mae Fossiano's ("Fossiano") Motion for Early Termination of Probation (Doc. 92). After pleading guilty to Distribution of Methamphetamine in violation of 21 U.S.C. § 841(a), Fossiano was sentenced to four years of probation on August 25, 2016. (Doc. 49 at 1-2.) Fossiano has completed over half of her term of probation without incident and requests early termination of her probation pursuant to 18 U.S.C. § 3564(c). (Doc. 93 at 2-3.)

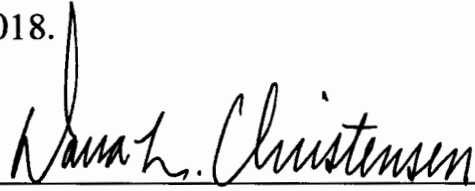
Section 3564(c) provides district courts with discretion to terminate a term of probation if the court is satisfied that such action "is warranted by the conduct of the defendant and the interest of justice" and the defendant has completed at least one year of probation in the case of a felony. 18 U.S.C. § 3564(c). Courts should

consider a subset of the factors set forth in 18 U.S.C. § 3553(a) to determine whether termination of a term of probation is appropriate. *Id.*

In light of the referenced subset of section 3553(a) factors, specifically including the nature and circumstances of the offense, defendant's history and characteristics, and success of probation to date, the Court finds that Fossiano has shown that early termination of probation is justified. Fossiano has served more than one year of probation and the interests of justice and judicial economy weigh in favor of terminating the remaining time. Fossiano has satisfactorily complied with the conditions of her probation and required minimal attention from her supervising officer since the inception of her term.¹ Accordingly,

IT IS ORDERED that Fossiano's Motion for Early Termination of Probation (Doc. 92) is GRANTED. The term of probation imposed by this Court on August 25, 2016, is hereby TERMINATED and Fossiano is DISCHARGED from her sentence of probation at this time.

DATED this 13th day of December, 2018.


Dana L. Christensen, Chief Judge
United States District Court

¹ While this Court normally requires the completion of two-thirds of a term of probation prior to early discharge, Fossiano is only a few months short of that mark and, in light of her rehabilitation and success on probation, the Court will grant her request.